

UNITED STATES DISTRICT COURT
SOUTHERN - WESTERNEdward Smith
V. Petitioner

Civil Case NO C-1-01-814

Judge Susan J. Dlott

Magistrate David S. Peelman

Supplement to objection

Report and Recommendation

Ground SEVEN 4th

Amendment Warrant

Violation

Anthony J. Brigano
RespondentMemorandum in Support

Now comes Edward Smith, petitioner, pro se and hereby moves this Honorable Court to Supplement objection to Mag. Judge David S. Peelman Report and Recommendation. Ground Seven, 4th Amendment - Warrant Violation. Fed R. Crim. P. 41(a) through a warrantless search and seizure absent exigent and consent. This factual showing for an arrest warrant protects an individual from an unreasonable seizure and issues upon a showing of probable cause to believe a suspect is committing or has committed an offense. The Petitioner states that the Trial Court had ruled at two side bar conferences concerning this warrant violation which violated the petitioner 4th amendment right. The Prosecutor cannot "cay foil" when this violation was revealed by Federal Agent Rozier through cross-examination. This is also a Brady violation for failing to produce "Witness Statements." The Petitioner pray this Honorable Court honor this request in the name of Justice and the U.S. Constitution.

The Petitioner rely on the original objection to Mag. Judge R & R with attachments and reference to the transcripts. The opinion of the

FILED
JAMES SCHIMM
CLERK

CJ MAY 11 PM 4:13

Continued

Trail Court are Attachment "B" pages 447, 448, 449 - Ex. 39 Tr.
447, 448, 449 and attachment "C" Tr. pages 467, 468

Respectfully Submitted
Edward Smith, pro se

Edward Smith, pro se
A. 346-408

Warren Coer Insti
P.O. Box 120
Lebanon OH. 45036

Certificate of Service

I, Edward Smith, petitioner, pro se do hereby certify that a
copy of this motion was given to prison official for legal-mail
processing and to be mail, 1st class-postage prepaid to, Thelma
Thomas Price (6033976), Ass't Attorney General, Core Litigation
Section, 140 East Town St, 14th Fl. Columbus, OH. 43215-6001 on this
1 day of May 2004

Edward Smith, pro se

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A 346-408 Warren Coer Insti

P.O. Box 120
Lebanon OH. 45036